

United States District Court
for the
Southern District of Florida

Cinthia Liz Pari Cahuana, an)
individual, Plaintiff,)
)
v.)
) Civil Action No. 23-22312-Civ-Scola
Super Autos Doral, LLC, a Florida)
limited liability company, and)
Westlake Services, LLC, d/b/a)
Westlake Financial Services, a)
foreign entity, Defendants.)

**Order Granting Motion for Entry of Consent Judgment and
Final Consent Judgment**

This matter comes before the Court on the joint motion for entry of consent judgment between the Plaintiff Cinthia Liz Pari Cahuana and Defendant Super Autos Doral, LLC. (ECF No. 51.)

WHEREAS, Plaintiff, CINTHIA LIZ PARI CAHUANA (“Plaintiff”), having filed her Complaint on June 22, 2023, alleging that Defendant SUPER AUTOS DORAL LLC. (“Defendant”) engaged in conduct in violation of the Motor Vehicle Information and Cost Savings Act, (“Odometer Act”) 49 U.S.C. § 32701 *et seq.* and otherwise engaged in intentional fraud;

WHEREAS, the Parties have agreed to resolve their claims and defenses without the need to further litigation;

WHEREAS, Defendant has consented to entry of this Consent Judgment without trial or adjudication of any issue of fact or law and to waive any appeal if Consent Judgment is entered as submitted by the Parties;

WHEREAS, Defendant acknowledged that this Court has subject matter jurisdiction over the claims in this case and personal jurisdiction over it, and agree to the entry of this Consent Judgment to fully and finally resolve the allegations and claims raised in this action;

NOW, THEREFORE, without trial or adjudication of issue of fact or law, and upon the express written consent of the Defendant, the Court finds that there is good and sufficient cause to enter this Consent Judgment, and that it is therefore ORDERED, ADJUDGED, and DECREED as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter of this action pursuant to 49 U.S.C. § 32710(b) and 28 U.S.C. §§ 1331, 1337, and 1367.
2. Venue is appropriate in this District pursuant to 28 U.S.C. § 1391(b)(1) & (2).
3. This Court has personal jurisdiction over all parties to this action.
4. The Complaint states a claim upon which relief can be found.

PARTIES

5. This Consent Judgment is entered into by Plaintiff CINTHIA LIZ PARI CAHUANA and Defendant SUPER AUTOS DORAL, LLC., a Florida limited liability company.

6. Each of the Parties acknowledges and represents that they have consulted with their respective counsel with respect to the terms of this Consent Judgment, that they each understand such terms, and that they each enter into it of their own volition.

NON-DISCHARGEABILITY UNDER THE BANKRUPTCY CODE

7. Defendant expressly acknowledges and agrees that the facts giving rise to this action are actionable under 49 U.S.C. § 32710(a), are based on fraud within the meaning of 11 U.S.C. § 523(a)(2)(A), and additionally constitute willful and malicious injury to another entity or to the property of another within the meaning of 11 U.S.C. § 523(a)(6).

8. Defendant expressly acknowledges and agrees that this Consent Judgment shall be exempted from discharge in any proceeding under the Bankruptcy Code. For the sake of avoidance of doubt, this agreement should be interpreted and applied to provide as much protection as possible to Plaintiff and Plaintiff's counsel from any attempts by the Defendant to discharge this Judgment and any resulting judgment incorporating Plaintiff's attorney's fees and costs.

AMOUNT OF JUDGMENT

9. Judgment shall be entered in favor of the Plaintiff, CINTHIA LIZ PARI CAHUANA, whose address is 5322 Wendalees Ct., Orlando, FL, 32812 and

against the Defendant SUPER AUTOS DORAL LLC, whose address is 400 EAST 9TH STREET HIALEAH, FL 33010, for statutory damages in the amount of \$10,000 pursuant to 49 U.S.C. § 32710(a) together with post-judgment interest at the lawful rate.

ENTITLEMENT TO ATTORNEY'S FEES AND COSTS

10. Defendant acknowledges and agrees that the Plaintiff is and shall be entitled to the payment of her reasonable attorney's fees and costs as the prevailing party in this action pursuant to 49 U.S.C § 32710(b), which the Court shall liquidate upon the submission of a fee petition by the Plaintiff within forty-five (45) days from the entry of this Judgment with the Plaintiff as the prevailing party.

11. Defendant acknowledges and agrees that Plaintiff's counsel's lodestar of \$450.00/hour is a reasonable and customary rate for the services expended by Plaintiff's counsel.

RETENTION OF JURISDICTION

12. This Consent Judgment fully and finally resolves all the claims and defenses asserted by the Parties in this case, other than those necessary to determine the issues required under 49 U.S.C § 32710(b).

13. The Court will retain jurisdiction to determine all issues required under 49 U.S.C § 32710(b), and to implement and enforce this Consent Judgment.


EXPRESSLY CONSENTED TO AND AGREED UPON WITH AUTHORITY OF THE RESPECTIVE PARTIES:

/s/ Joshua Feygin
Joshua Feygin, Esq.
Florida Bar No. 124685
Counsel for Plaintiff,
Cinthia Liz Pari Cahuana

/s/ Jorge Garcia-Menocal
Jorge Alejandro Garcia-Menocal, Esq.
Fla. Bar No. 17990
Counsel for Defendant,
Super Autos Doral, LLC

The joint motion for entry of consent judgment is **granted (ECF No. 51)**; Plaintiff's claims against Defendant Super Autos Doral, LLC are hereby **dismissed**. The Court directs the Clerk to **close** this case. All pending motions, if any, are **denied** as moot.

Done and ordered in Miami, Florida, on May 15, 2024.


Robert N. Scola, Jr.
United States District Judge